

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

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In the Matter of:)	
)	
Opinion requested by)	No. 75-057
John W. Witt)	October 23, 1975
City Attorney of San Diego)	
_____)	

BY THE COMMISSION: We have been asked the following questions by John W. Witt, City Attorney of San Diego:

John Witzel is employed by the City of San Diego to lobby exclusively before state bodies.^{1/} Mr. Witzel took another lobbyist to lunch and was reimbursed by the City of San Diego for the expenses he incurred. Luncheon conversation involved general topics related to local (not state) government.

(1) When a lobbyist makes a disbursement of food and beverages as a gift to another lobbyist, must he report the disbursement on his monthly lobbyist report?

(2) Must the disbursing lobbyist's employer report the expenditure as part of the employer's monthly report?

CONCLUSION

(1) A gift of food and beverages to another lobbyist is reportable if it is made in connection with influencing legislative or administrative action.

(2) The lobbyist's employer must report the total amount of the payment to the lobbyist but need not duplicate the lobbyist's itemization of expenses.

ANALYSIS

(1) A lobbyist who incurs expenses in connection with his activities as a lobbyist is required to establish an account.

1/

This information was disclosed in a telephone conversation between a member of the Commission staff and Mr. Witzel.

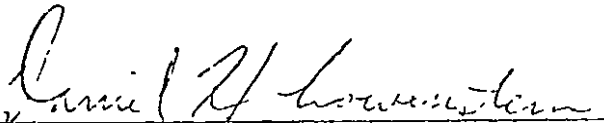
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Government Code Sections 86105 and 86107.^{2/} All receipts or disbursements of funds in connection with his activities as a lobbyist must be transacted through the lobbyist account and periodically reported in detail. Sections 86106 and 86107.

In the facts presented, Mr. Witzel was reimbursed by his employer for a luncheon gift to another lobbyist. Since Mr. Witzel is employed solely for the purpose of influencing legislative and administrative action before state bodies, we believe the decision by the employer to incur the expense of the two lunches is an affirmative statement that the luncheon was "in connection with" Mr. Witzel's activities as a lobbyist. If the luncheon discussion did not include topics related to lobbying activities, or otherwise advance those activities, presumably the employer would not incur the luncheon expenditure. Therefore, in light of the employer's decision to pay for the lunches, we conclude that the gift of food and beverage was made in connection with the lobbyist's activities related to influencing legislative or administrative action and must be reported by the lobbyist.^{3/}

(2) The employer of a lobbyist must report the amount of payments to influence legislative or administrative action. Section 86109(c). Reimbursement to a lobbyist for expenditures incurred in connection with his duties as a lobbyist are payments to influence legislative or administrative action and, therefore, must be reported. However, the itemization required in the lobbyist's report need not be duplicated in the employer's report 2 Cal. Adm. Code Section 18620.

Approved by the Commission on October 23, 1975.
Concurring: Brosnahan, Lowenstein and Miller. Commissioners Carpenter and Waters were absent.


Daniel H. Lowenstein
Chairman

^{2/}
All statutory references are to the Government Code unless otherwise noted.

^{3/}
For a further discussion of activities by a lobbyist which are reportable because they involve influencing legislative or administrative action, see John C. Morrissey, 1 FPPC Opinions 104 (No. 75-065-C, August 7, 1975).